# REMARKS

## Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Examiner's Action of January 12, 2007 be extended three months, from April 12, 2007 to July 12, 2007.

Authorization to charge a Credit Card is given to cover the extension fee. The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 19-5425.

In the Office Action, the Examiner indicated that claims 1 through 12 are pending in the application and the Examiner rejected all claims.

## Objections to the Specification

On page 2 of the Office Action, the Examiner has objected to the specification for containing an embedded hyperlink at paragraph 0004. Applicant has amended the specification to remove the hyperlink.

## The §112 Rejections

On page 2 of the Office Action, the Examiner rejected claims 1-12 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner objected to the claiming of the trademark/tradename "ANT". Applicant has amended the claim so as to claim an "XML task file" instead of an "ANT XML task file", and then has indicated that the XML task file being claimed is created using the Apache ANT build tool. This removes any concern that applicant is attempting to use a trademark as a claim limitation, but is instead identifying a particular task

file, and then indicating that the task file is created using a build tool created by Apache ANT.

Applicant believes this overcomes the §112 rejection and respectfully requests the Examiner to

reconsider and withdraw this rejection.

## Claim Rejections, 35 U.S.C. §103

On page 3 of the Office Action, the Examiner rejected claims 1-12 under 35 U.S.C.

§103(a) as being unpatentable over U.S. Patent No. 7,093,004 to Bernardin et al. in view of

"ANT ALGORITHM-BASED TASK SCHEDULING IN GRID COMPUTING," by Xu et al.

(May 2003) (hereinafter "Xu").

## The Present Invention

The present invention provides grid-enabled system that includes XML task files created

using the Apache ANT build-tool that can run on both grid-enabled machines and stand-alone

computers.  This is accomplished by using a network file server and ANT's standard XML

tagging and parameters, thus enabling the user to use a standardized format for entering XML

information.  Called "grid-enabled ANT" herein (since it is enabled to operate on the grid but

does not exclusively operate on the grid), the present invention is transparent to the user since

ANT parses the tasks and sends jobs to the grid, when appropriate, instead of the user deciding

which tasks to implement as grid tasks.

In a representative embodiment, the present invention comprises a method of enabling an

XML task file created using the Apache ANT build-tool running on a first server to be useable in

both a grid and non-grid environment without user modification, comprising the steps of: storing

parseable files referred to by said XML task file on a second server; and configuring the XML

task file to direct a processor processing the XML task file to search the first server for the

parseable files; whereby, when the first server has access to a grid environment, the parseable

files are scheduled for grid processing.


## The Examiner has not Established a *prima facie* Case of Obviousness

As set forth in the MPEP:

> To establish a *prima facie* case of obviousness, there must be some suggestion or
> motivation, either in the references themselves or in the knowledge generally
> available to one of ordinary skilled in the art, to modify the reference or to
> combine reference teachings.
> <u>MPEP 2143</u>


The Examiner has not met this burden. Claim 1, exemplary of each independent claim

(claims 1, 5, and 9) specifically claims a method whereby XML task files running on a first

server are usable in both a grid and non-grid environment without user modification. More

specifically, the particular XML task files are created using the Apache ANT build tool.

Parseable files referred to by the XML task file are stored on a second server, and the XML task

file is configured to direct a processor processing the XML task file to search the first server for

parseable files, and schedule the parseable files for grid processing when the first server has

access to a grid environment. If there is no grid access, the files can be processed in the non-grid

environment without modification.

Neither Bernardin nor Xu teach or suggest these features.  With respect to the Xu reference, this reference has absolutely nothing to do with the Apache ANT build tool.  As is indicated in Section 2.2, the "ant algorithm" referred to in Xu is an algorithm so named because "it is based on the behavior of real ants."  Nowhere is there *any* mention of the Apache ANT build tool or of XML files created using this tool.  The appearance of the terms "ant" and "Grid" in the same reference do not man that they are in any way related to the use of XML files created using the Apache ANT build-tool.  The Xu reference cannot be properly applied in a rejection of the claims under 35 U.S.C. §103(a) as it is unrelated to the claimed subject matter of the present invention.

Turning to Bernardin, Bernardin simply contains no teaching or suggestion of a method of enabling XML task files running on a first server to be usable in both a grid and non-grid environment without user modification, whereby parseable files referred to by the XML task file are stored on a second server, configuring the XML task file to direct a processor processing the XML task file to search the first server for parseable files, and scheduling the parseable files for grid processing when the first server has access to a grid environment.  The Examiner refers to discrete portions of Bernardin but does not correlate the elements pointed out in Bernardin to the present claims.  Bernardin does teach the ability to run processes on a grid system, but it requires that the process be pre-configured to run on the grid, and the process, so configured, is then unable to run on a non-grid system.  This is one of the problems that the present invention solves.  At best, Bernardin teaches the prior art system illustrated in Figure 1 of the present application.

Bernardin simply describes a computer server/task farm system that includes multiple servers

that perform different tasks.

The present claimed invention essentially "determines" if the parseable files can be

processed on a grid environment or not, but enables them to also be processed by the first server

if the grid is not available.  This is implied in claim 1 and is express in claim 3.  The system

recongnizes tags that are grid enabled, and if such tags are found, the grid is used, and if they are

not, the stand-alone processor is used.  Bernardin cannot do this.  Nothing in Bernardin teaches

or suggests this ability to process XML task files, particularly those created using Apache ANT,

on either a grid environment or a non-grid environment.  Neither of the references teach or

suggest this feature.  Accordingly, the Examiner is respectfully requested to reconsider and

withdraw the rejection of claims 1-12 under 35 U.S.C. §103(a).

**Conclusion**

The present invention is not taught or suggested by the prior art.  Accordingly, the

Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.  An

early Notice of Allowance is earnestly solicited.

Included herein is a Petition for extension of time to respond to the Examiner's Action,

and authorization to charge the extension fee to a credit card.  The Commissioner is hereby

authorized to charge any additional fees or credit any overpayment associated with this

communication to Deposit Account No. 19-5425.

<div align="center">Respectfully submitted</div>

 

 July 12, 2007                                /Mark D. Simpson/          
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